

Bills denying parental rights to rapists stalled in Legislature

Legislators have been working to change state law so that when a child is born as a result of sexual assault, the perpetrator will not be allowed to sue for parental rights. But measures have stalled in both the House and Senate over whether a criminal conviction is required in these cases.

By [Ashley Stewart](#)

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Sen. Jeanne Kohl-Welles, D-Seattle

If a woman in this state has a child as a result of sexual assault, her rapist can sue for parental rights.

That could change if companion measures in the state House and Senate pass, but both bills have stalled this session — mostly over arguments about whether a criminal conviction should be required to take away a rapist's rights and about how the state would collect child support.

Sen. Jeanne Kohl-Welles, D-Seattle, is the prime sponsor of [Senate Bill 6364](#).

“There’s always next year,” she said.

Rep. Roger Goodman, D-Kirkland, is sponsoring [House Bill 2559](#).

Under the bills, a criminal conviction would not be required to prove a sexual assault occurred. Instead, the bills would call for “clear, cogent and convincing” evidence, the highest standard of proof in civil court.

Critics say the bill leaves room for abuse of the legal system in domestic disputes. Supporters say convictions are rare.

Mary Ellen Stone is the executive director of [King County Sexual Assault Resource Center](#), which helps about 1,500 sexual-assault victims each year.

In some of those cases, offenders have petitioned for parental rights to children conceived through rape. It’s more common, though, “for victims, when they realize they are pregnant, to try to keep it low-key and not report the rape so the offender doesn’t find out,” she said.

Between 25,000 and 32,000 pregnancies result from sexual assault in the U.S. each year, the bills say.

Stone said the “clear, cogent and convincing” standard gives victims an easier way to protect themselves and their children than a requirement for a criminal conviction would.

“It’s very hard to get a conviction, and even if you do, cases take years, so the child could already be a toddler,” she said. Court battles tether a victim to a rapist, causing traumatic emotional distress. Both bills seek to lessen the duration of this interaction.

Under current state law, a court can allow a victim to place a child for adoption without the rapist’s consent if there has been a conviction. The parental rights would transfer to the adoptive parents.

The Department of Social and Health Services (DSHS) is mostly concerned with how the bill would affect child support if the mother receives state assistance, said David Stillman, the department’s assistant secretary for economic services.

DSHS helps low-income families with living expenses and medical bills through Temporary Assistance for Needy Families (TANF). Parents who accept state assistance need to identify the other parent and cannot refuse child support from that parent.

The state takes some of the child support to offset costs.

The state does offer some exemptions from this requirement in cases of domestic violence and sexual assault, but Stillman said victims remain reluctant to seek the exemption because it would require them to reveal the rape.

The bills would allow victims to refuse child support. Stillman said that could be a problem. The perpetrator, who may not want to pay support, might attempt to coerce the victim not to seek it, he said, which presents problems for the victim and the state.

Stillman said the bills have technical issues.

“If you don’t have parental rights, then it’s not really child support, but an order to pay an amount,” he said. “An order is difficult for the Division of Child Support to enforce.”

Emily Cordo is legal director of the [Sexual Violence Law Center](#), an organization that provides free legal services to victims of sexual assault. She’s represented victims who have become pregnant as a result of rape. At least one of them was awarded an exemption for child support as a victim of sexual assault.

Cordo said offenders retaliate for having to pay child support by petitioning for visitation rights.

In other cases, particularly domestic violence, it’s “extremely unusual” for judges to order no contact at all between a parent and child.

“There’s a very strong position in Washington that having a bad father in a child’s life is better than no father,” she said.

Seventeen states have statutes to terminate parental rights for rapists. The Vermont House of Representative is advancing a similar bill.

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